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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,738	04/25/2000	KEVIN B. GJERSTAD	1018.097US1	9935
45809	7590	01/04/2005	EXAMINER	
SHOOK, HARDY & BACON L.L.P. 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			SMITH, PETER J	
			ART UNIT	PAPER NUMBER

2176

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/557,738	Applicant(s) GJERSTAD ET AL.	
	Examiner Peter J Smith	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE amendment filed 10/5/2004.
2. Claims 1-5 and 20-22 are pending in the case. Claims 1 and 20 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Saunders, US 5,946,499 filed 05/10/1996.**

Regarding independent claim 20, Saunders discloses a text input processor interface to permit a handler for an input device to access the abstraction of the document and to insert additional text into the document in fig. 4a, 4b, 5, col. 1 line 55- col. 2 line 29, col. 4 line 59 – col. 5 line 9, and col. 6 line 39 - col. 7 line 44. Saunders discloses a range object in which a range within the document is specified as two positions within the abstraction of the document, such that the handler inserts the additional text into the document and accesses the abstraction of the document at the range specified by the range object in fig. 5 and col. 6 line 39 – col. 7 line 44. Saunders discloses insertion accomplished via a first method of a text input processor interface, and access is accomplished via a second method of a text input processor interface in fig. 5 and col. 6 line 39 – col. 7 line 44. Saunders discloses a method by which the handler is

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able to attach a property to the document at a range specified by the range object, wherein the property provides access to original data used for insertion of text with the range in fig. 5, col. 2 lines 42-45, and col. 6 lines 28-38. In col. 6 lines 28-38 Saunders discloses a unique identifier, which is a property attached to the range of text for the purpose of providing access to the range of text.

Regarding dependent claim 21, Saunders discloses a text store interface to permit an application having a document of primarily text to expose the document as an abstraction in fig. 1, 2, 5, col. 2 lines 6-16, col. 3 lines 53-65, and col. 6 line 39 - col. 7 line 44.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders, US 5,946,499 filed 05/10/1996 in view of Maslov, US 6,466,240 B1 provisional application filed 7/8/1998.**

Regarding independent claim 1, Saunders teaches a text store interface to permit an application having a document of primarily text to expose the document as an abstraction in fig. 1, 2, 5, col. 2 lines 6-16, col. 3 lines 53-65, and col. 6 line 39 - col. 7 line 44. Saunders teaches a text stream interface in which the abstraction of the document appears as an array, a position within the document represented as an offset from a beginning of the array in fig. 1, 4a, 4b, and

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col. 7 lines 18-32. Saunders teaches a text processor input method for attaching a property to the document in at least one position in the document, wherein the property preserves originally entered data in order to facilitate text correction in fig. 5, col. 2 lines 42-45, and col. 6 lines 28-38. In col. 6 lines 28-38 Saunders discloses a unique identifier, which is a property attached to the range of text for the purpose of providing access to the range of text. Saunders teaches a text input processor interface to permit a handler for an input device to access the abstraction of the document and to insert additional text into the document in fig. 4a, 4b, 5, col. 1 line 55- col. 2 line 29, col. 4 line 59 – col. 5 line 9, and col. 6 line 39 - col. 7 line 44. Saunders teaches a tree structure for organizing the document content in fig. 3, but does not teach a dynamic text interface in which the abstraction of the document is such that a position within a document represented as a floating anchor to a node.

Maslov does teach a dynamic text interface in which the abstraction of the document is such that a position within a document represented as a floating anchor to a node in the abstract, col. 2 line 62 – col. 3 line 17, and col. 3 lines 36-44. Maslov can select or anchor nodes of text for manipulation by the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Maslov into Saunders to have created the claimed invention. It would have been obvious and desirable to have used the dynamic text interface taught by Maslov to have improved Saunders so that the documents editable by Saunders would have included structured document trees consisting of nodes of text.

Regarding dependent claim 2, Saunders teaches a method for selecting at least one of the text stream interface and the dynamic text interface by which to expose the document as an abstraction in fig. 1, 2, and col. 1 lines 55-65. Saunders teaches wherein the method selects the

text stream interface for documents stored as an array and the dynamic interface for documents stored in a tree-based structure in fig. 3.

Regarding dependent claim 3, Saunders teaches a range object in which a range within the document is specified as two positions within the abstraction of the document, such that the handler inserts the additional text into the document and accesses the abstraction of the document at the range specified by the range object in fig. 5 and col. 6 line 39 – col. 7 line 44.

Regarding dependent claim 4, Saunders teaches insertion accomplished via a first method of a text input processor interface, and access is accomplished via a second method of a text input processor interface in fig. 5 and col. 6 line 39 – col. 7 line 44.

Regarding dependent claim 5, Saunders teaches wherein the text input processor interface further permits the handler for the input device to attach the property to the document at the range specified by the range object in fig. 5, col. 2 lines 42-45, and col. 6 lines 28-38. In col. 6 lines 28-38 Saunders discloses a unique identifier, which is a property attached to the range of text for the purpose of providing access to the range of text.

Regarding dependent claim 22, Saunders teaches a text stream interface in which the abstraction of the document appears as an array, a position within the document represented as an offset from a beginning of the array in fig. 1, 4a, 4b, and col. 7 lines 18-32. Saunders also teaches an application which selects at least one of the text stream interface and the dynamic text interface by which to expose the document as an abstraction in fig. 1, 2, and col. 1 lines 55-65. Saunders does not teach a dynamic text interface in which the abstraction of the document is such that a position within a document represented as a floating anchor to a node.

Maslov does teach a dynamic text interface in which the abstraction of the document is such that a position within a document represented as a floating anchor to a node in the abstract, col. 2 line 62 – col. 3 line 17, and col. 3 lines 36-44. Maslov can select or anchor nodes of text for manipulation by the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Maslov into Saunders to have created the claimed invention. It would have been obvious and desirable to have used the dynamic text interface taught by Maslov to have improved Saunders so that the documents editable by Saunders would have included structured document trees consisting of nodes of text.

Response to Arguments

7. Applicant's arguments with respect to claims 1-5 and 20-22 have been considered but are moot in view of the new ground(s) of rejection. The Examiner has replaced the reference of Tung with the reference of Maslov. Maslov teaches a structured text editor in which the user can select and manipulate the text nodes of the document. This selection is a floating anchor to identify the edited node and may be changed by the user via the graphical user interface. The Examiner has ceased using the reference of Covington to teach attaching a property to a range of text in order to provide access to original based on the Examiner's improved understanding of this property and its purpose. The Examiner believes that Saunders in fact does teach attaching a property to a range of text in col. 6 lines 28-38. Saunders teaches in that both an owner and unique identifier properties are attached to the selected text range.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS
12/2/2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER